

EXHIBIT G

CLAIMS PROCESS EXPLANATION

## EXHIBIT G

This exhibit is incorporated by reference in and made a part of the Settlement Agreement and Release of the GlaxoSmithKline Defendants in *In Re Pharmaceutical Industry Average Wholesale Price Litigation*, MDL No. 1456 (the “GSK MDL Agreement”).

### A. Claims Documentation

#### 1. Consumer Class Members

In order to validate their claim for a payment under the GSK MDL Agreement for each GSK drug listed in Exhibit A to the GSK MDL Agreement (the “GSK Covered Drugs”) with respect to which they are making a claim, Consumer Class Members must submit a claim form which attests that they are Class Members entitled to make a claim for each GSK Covered Drug payment subject to their claim, and must submit a proof of payment for each such claim.

Proof of payment may be in the form of any of the following: (1) a written prescription for the drug; (2) a receipt, cancelled check, or credit card statement that shows that they have paid for the drug; (3) an EOB (explanation of benefits) that shows they made or are obligated to make a percentage co-payment for the drug; (4) a letter from their physician stating that he or she prescribed and that the Class Member paid or is obligated to pay a percentage co-payment for the drug at least once and setting forth the amount of the co-payment; or (5) a written declaration by the Class Member attesting that they paid or are obligated to pay a percentage co-payment for the drug between January 1, 1991 through August 10, 2006, including the total of all percentage co-payments for the drug during that time period.

#### 2. TPP Class Members

TPP Class members shall be required to submit a GSK AWP Third Party Payor Proof of Claim Form (“TPP Proof of Claim Form”), in the form attached to the TPP Long Form Notice, which is Exhibit B-1 to GSK MDL Agreement. The TPP Proof of Claim Form shall set forth the amount of purchases of each GSK Covered Drug during the period of January 1, 1999 to December 31, 2003, net of co-pays, deductibles and co-insurance. This “proxy period” is substituted for claims associated with the full class period in recognition of the difficulty TPPs have in accessing claims data that is older and likely not kept electronically or on current electronic systems. This “proxy period” shall be used to determine the payments made to each TPP Class Member in accordance with the procedures set forth herein.

Each TPP Class Member shall be required to certify that they are a TPP Class Member (or an authorized representative of a TPP Class Member), and that they have not included claims on behalf of a TPP Class Member that are readily identifiable as having been based on a reimbursement standard other than AWP.

In order to validate their claim for payment associated with the GSK Covered Drugs for

which they seek payment from the Settlement, TPP Class Members with claimed purchases for all GSK Covered Drugs during the proxy period that exceed \$300,000.00 in total shall be requested to submit electronic claims documentation with their claim. The form and data required to be submitted are delineated in the TPP Proof of Claim Form. Those TPPs whose claimed purchases are \$300,000.00 or less need not submit electronic claims documentation with their claim but must furnish such claims documentation upon request of the Claims Administrator.

**B. Recognized Claim Amounts**

Pursuant to Paragraph 12 of the GSK MDL Agreement, Lead Class Counsel have established a "Recognized Claim Percentage" ("RCP") for each of the categories of GSK Covered Drugs listed on Exhibit A to the GSK MDL Agreement.

The RCP for each category of GSK Covered Drugs subject to the settlement is a percentage of total payments that was negotiated between the parties and is consistent with Plaintiffs' assessment of liability and damages for each such Drug. A Class Member need not calculate its payments based on the RCPs, as set forth more fully below, they need only claim the total amount of their out-of-pocket expenses for each drug and the RCP will be applied by the Claims Administrator in order to determine their payment.

The Recognized Claim Percentage for each GSK drug subject to the settlement is listed below:

	<b>Drug Name</b>	<b>Dosages</b>	<b>Recognized Claim Percentage</b>
<b>GSK Category A Drugs</b>	<b>Kytril Injection</b> (granisetron HCL)	<u>Injection:</u> 1mg/ml	<b>50%</b>
	<b>Zofran Injection</b> (ondansetron HCL)	<u>Injection:</u> 2mg/ml <u>Injection (Pre-mixed):</u> 32mg/50ml; 4mg/50ml	<b>50%</b>
<b>GSK Category B Drugs</b>	<b>Alkeran</b> (melphalan)	<u>Injection:</u> 50mg <u>Tablets:</u> 2mg	<b>5%</b>
	<b>Imitrex</b> (sumatriptan)	<u>Injection:</u> 12mg/1ml (6mg/0.5ml)	<b>5%</b>
	<b>Kytril Tablets</b> (granisetron HCL)	<u>Tablets:</u> 1mg	<b>5%</b>

	<b>Lanoxin</b> (digoxin)	<u>Injection:</u> 0.5mg/2ml; 0.1mg/ml	5%
	<b>Myleran</b> (busulfan)	<u>Tablets:</u> 2mg	5%
	<b>Navelbine</b> (vinorelbine tartrate)	<u>Injection:</u> 10mg/ml; 50mg/5ml	5%
	<b>Retrovir</b> (zidovudine)	<u>IV Infusion:</u> 10mg/ml	5%
	<b>Ventolin</b> (albuterol)	<u>Inhalation:</u> 0.083% 3ml; 0.5% 5mg/ml	5%
	<b>Zofran Orals</b> (ondansetron HCL)	<u>Tablets:</u> 4mg; 8mg; 24mg <u>Solution:</u> 4mg/5ml <u>ODT:</u> 4mg; 8mg	5%
	<b>Zovirax</b> (acyclovir)	<u>Powder for Injection:</u> 500mg; 1000mg	5%
	<b>Zantac</b> (ranitidine HCL)	<u>Injection:</u> 25 mg/ml <u>Injection (Pre-mixed):</u> 50mg/50ml; 50mg/100ml	5%

C. Application of the RCP to Calculate Payment to Consumer Class Members

1. Establishing a Recognized Claim

After the purchase amount for each GSK Covered Drug claimed by each Consumer Class Member submitting a valid claim has been accepted by the Claims Administrator as submitted in accordance with the requirements set forth on the Consumer Claim Form and this Exhibit G, the Claims Administrator shall apply the RCP associated with each drug to the purchase amount claimed by each Consumer Class Member for that particular drug. The sum of these figures is the Consumer Class Member's "Recognized Claim" used for purposes of calculating the payment made to each Consumer Class Member.

2. Application of a Minimum Recognized Consumer Claim

In order to encourage Consumer Class Members to file claims, and subject to Court approval, Lead Class Counsel has established a Minimum Recognized Claim for Consumer Class Members. Any Recognized Claim which falls below \$100.00 shall be assumed to equal \$100.00 for the purposes of calculating the payment made to each Consumer Class Member.

3. Determination of the Amount of Payment

If the sum of all Recognized Claims of all Consumer Class Members (including all Minimum Recognized Consumer Claims) is equal to or less than the Net Consumer Settlement Pool, each Consumer Class Member shall receive a payment equal to 100% of his or her Recognized Claim (or Minimum Recognized Consumer Claim, whichever is greater).

If the sum of all Recognized Claims of all Consumer Class Members (including all Minimum Recognized Consumer Claims) is greater than the Net Consumer Settlement Pool, each Consumer Class Member shall receive a pro-rata share of the Net Consumer Settlement Pool in proportion to his/her Recognized Claim or Minimum Recognized Consumer Claim.

### 3. Sample Calculations of Hypothetical Consumer Claim

#### Consumer 1

Claimed Out-of-Pocket percentage co-payment expenses:

Kytril Injectable - \$780.00 (RCP = 50%)  
Myleran - \$110.00 (RCP = 5%)

Calculation of Recognized Claim:

$$(\$780 \times .50) + (\$110 \times .05) = \$390 + \$5.50 = \$395.50$$

Application of Minimum Recognized Consumer Claim:

\$395.50 is greater than \$100.00 minimum. Minimum is inapplicable.

#### Consumer 2

Claimed Out-of-Pocket percentage co-payment expenses:

Zofran Injectable - \$100 (RCP = 50%)  
Lanoxin - \$250 (RCP = 5%)

Calculation of Recognized Claim:

$$(\$100 \times .50) + (\$250 \times .05) = \$50.00 + \$12.50 = \$62.50$$

Application of Minimum Recognized Consumer Claim:

\$62.50 is less than \$100.00 minimum. Minimum is applicable.  
Recognized Claim = \$100.00

#### D. Application of the RCP to Calculate Payment to TPP Class Members and ISHP Group Members

### 1. Establishing a Recognized Claim

After the purchase amount for each GSK Covered Drug claimed by each TPP Class Member submitting a valid claim has been accepted by the Claims Administrator as submitted in accordance with the requirements set forth on the TPP Claim Form and this Exhibit G, the Claims Administrator shall apply the RCP associated with each such drug to the purchase amount claimed by each TPP Class Member for that particular drug. The sum of these figures is the TPP Class Member's "Recognized Claim" used for purposes of calculating the payment made to each TPP Class Member.

### 2. Determination of the Amount of Payment

If the sum of all Recognized Claims of all TPP Class Members is equal to or less than the Net TPP Settlement Pool, each TPP Class Member shall receive a payment equal to 100% of its Recognized Claim.

If the sum of all Recognized Claims of all TPP Class Member is greater than the Net TPP Settlement Pool, each TPP Class Member shall receive a pro-rata share of the Net TPP Settlement Pool in proportion to its Recognized Claim amount.

### E. Sample Calculation of the ISHP Group Reversion Amount

In order to illustrate the calculation of the ISHP Group Reversion Amount as contemplated in the Settlement Agreement and Release of the GlaxoSmithKline Defendants, two examples are set forth below:

#### Example 1

Assumptions:

ISHP Group Recognized Claim Percentage = 60%  
 Net Fees and Expenses = \$17 million  
 GSK Refund = \$3 million  
 Total Deposits to Class TPP Settlement Pool and ISHP Settlement Pool = \$46 million

ISHP Group Reversion Amount Calculation:

ISHP Over/Underage =  $60 - 37.5 = 22.5\%$

Fees and Expenses Attributable to TPPs and ISHPs =  $\$17\text{M} \times .70 = \$11.9\text{M}$

$22.5\% \times (\$46\text{M} - \$11.9\text{M} - \$3\text{M}) = \$6,997,500$

\$6,997,000 due to be paid to ISHP Group Members first from the amount remaining in the ISHP Settlement Pool and the balance from TPP Settlement Pool at the conclusion of the claims process

Total payment to ISHP Group Members = \$6,997,500 + \$11,000,000 = \$17,997,500

Example 2

Assumptions:

ISHP Group Recognized Claim Percentage = 40%

Net Fees and Expenses = \$17 million

GSK Refund = \$3 million

Total Deposits to Class TPP Settlement Pool and ISHP Settlement Pool = \$46 million

ISHP Group Reversion Amount Calculation:

ISHP Over/Underage =  $40 - 37.5 = 2.5\%$

Fees and Expenses Attributable to TPPs and ISHPs =  $\$17\text{M} \times .70 = \$11.9\text{M}$

$2.5\% \times (\$46\text{M} - \$11.9\text{M} - \$3\text{M}) = \$777,500$

\$777,500 due to be paid from ISHP Settlement Pool to ISHP Group Members.  
Any funds remaining in ISHP Settlement Pool to be returned to TPP Settlement Pool at the conclusion of the claims process

Total payment to ISHP Group Members =  $\$11,000,000 + \$777,500 = \$11,777,500.00$